IN THE HIGH COURT OF JUDICATURE AT PATNA
CWJC No.1206 of 2002

1) ARUN KUMAR MISHRA son of Sri Surendra Mishra, resident of Village Dhurlakh (Bhuidkara)P.S.Mufassil, Samastipur, Dist.Samastipur
2) Shiv Shankar Mishra son of Sri Harinandan Mishra, resident of Village, Dhurlakh (Bhuidkara) P.S.Muffassil,Samastipur, Dist-Samastipur.
3) Girendra Mohan Shinha, son of Sri Jitendra Prasad, Resident of Kalyanpur Gaura, PS,Pusa, Dist-Samastipur
4) Krishna Kumar Roy, son of Ram Udar Rai,Resident of Harpur Aloth, PS,Musrigharari, Dist-Samastipur
5) Manju Devi wife of Bisho Sah, Resident of Barapather, Ps.Samastipur (Town) Dist-Samastipur
6) Prakash Kumar Ambastha son of Sheo Shankar Prasad, resident of Bajopur (Murtazapur)P.S.Samastipur Mufassil Dist-Samastipur
7) Sunil Kumar Srivastava son of Raghunandan Prasad, Resident of Mohalla-Magardaki Ward No.15, P.S. Samastipur Town, Dist-Samastipur
8) Yoasodanand Mishra son of Ram Ballav Mishra, Resident of Morbadih, P.S. Musrigharari, Dist-Samastipur
9) Nawal Kishore Roy son of Ram Nihora Roy, Resident of Harpur Aloth, P.S. Musrigharari, Dist-Samastipur
10) Mohanand Pathak son of Fekan Pathak, Resident of Village-Lagunia, P.S.Musrigharari, Dist-Samastipur
11) Ram Swaroop Baith son of Late Sukhlal Baitha, resident of village-Meyari P.S.Sarai-Ranjan, Dist-Samastipur
12) Dinesh Jha son of Sri Upendra Jha, resident of village-Harsinghpur, P.S-Sarairanjan, Dist-Samastipur

Versus

1) THE STATE OF BIHAR

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2)Commissioner, Darbhanga, Darbhanga
3)The Collector, Samastipur
4)Deputy Collector,(Estt.)Samastipur.

Advocate for the petitioners:- Mr. Gajendra Kumar Jha
Mr. Surya Kant Mishra
Mr. Sushant Kumar Jha
Advocate for the State:- Mr. S.K.Ghosh, AAG-2

3/ **23-Oct-08** Heard learned counsel for the petitioners and learned counsel for the State.

The order dated 22nd January, 2002 shows that the present writ petition was supported by an affidavit sworn on 16.12.1999 but was actually filed more than two years thereafter on 21.1.2002. On the basis of such delay the writ petition was about to be dismissed but it was kept pending on the ground that two other similar writ petitions were also pending. Such submission at that time prevented the dismissal of the writ petition. Today learned counsel for the petitioner is not in a position to disclose the details of those two similar writ petitions said to be pending on 22.1.2002. The fate of those writ petitions is also not known.

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The prayer in the writ petition is to include the names of the twelve writ petitioners in the District Panel of Samastipur Collectorate of the year 1997. The petitioners claimed that

their names were in the District Panel of 1984 and in 1997 their names should have been included on account of seniority on the basis of age which was allegedly the basis of finalizing the panel of 1997. The life of the panel is for one year and it is for the authorities concerned to examine the claim of the petitioners whether they fulfill the criteria to continue to be in the subsequent panel only because they were earlier in the panel of 1984.

Much time has already passed since the preparation of the panel of 1997 which is said to have been prepared in 1999. The policy decision of the year 1980 annexed as Annexure-3 discloses that such district panels will be prepared on the basis of names recommended by the District Employment Exchange and it will be valid only for one year. In other words, the panel has to be revised every year and in any case the panel must be revised within one year in order to make appointments out of such panel.

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In the facts of the case, the writ petition is found to suffer from inordinate delay of two years in presenting the same before this Court although it was supported by an

affidavit two years prior to its filing.

Even if such delay was on account of seeking redressal of grievance from the Commissioner, considering the limited life of such panels the matter is disposed of with an opportunity to the petitioners that if they are eligible and their names can be recommended by the Employment Exchange then they should adopt the procedure so that their names should be considered by Samastipur Collectorate in accordance with policy decision of the Government.

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It is made clear that if petitioners are entitled to be included in the recent panel without being recommended by the Employment Exchange afresh in that event their claim should be considered in the light of such policy decision. It is made clear that this Court has not considered the individual case of the petitioners and such claims shall be decided by the authorities on merit on each claim in accordance with law.

Appropriate decisions should be taken by the authorities in respect of petitioners' claim within a reasonable time and in any case

before finalizing the next panel for the purpose of future appointment.

The writ petition is disposed of.

(Shiva Kirti Singh, J.)

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